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Sixth. The responsible Negro leadership has fully recognized the role which such demonstrations can play, and they have also recognized the great danger to public order and to the civil rights cause that is presented by violence or by demonstrations which constitute civil disobedience. The disavowal by the major civil rights groups of the projected World's Fair "stall in" is a prime example of this wise policy.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an editorial entitled "Negro Statesmanship," from today's New York Times.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NEGRO STATESMANSHIP

By issuing a statement repudiating the threatened stall-in on the roadways around the World's Fair, leaders of the six major Negro organizations have once again demonstrated their statesmanship.

The tone of their statement was reasonable and thoughtful. The stall-in, they pointed out, "is an essentially revolutionary proposal that might serve the peculiar needs and motives of some of its proponents, but not the broad interests and needs of the Negro people nor their normally broad program of effective social protest."

The statement disarms those Senators who have wavered on civil rights. It supports those Senators who have carried the standard for an effective Federal bill. And it meshes perfectly with the President's own statement yesterday that violence would not serve the cause of equal rights. Americans of goodwill in and out of Congress can surely find strength in the Negro leadership's statement and in the President's remark that "we are going to pass the civil rights bill because it is morally right."

Mr. JAVITS. Mr. President, I come to my seventh point. Many such Negro leaders, including those representing every one of the major organizations in this field, who attended yesterday's luncheon in Washington, recognize a further self-limitation upon the utility of the demonstration technique. I believe this is also a wise policy. Many of these leaders would restrict demonstrations to a specific grievance, rather than extend them to generalized discontent, which seeks no specific remedy.

In that respect, I point out that the most real case to the Negroes involved their demonstrations at the lunch counters in stores in the South. They were very specialized demonstrations for a very specialized purpose. The march on Washington had a specialized purpose, that of drawing the attention of the Nation to the urgent need for a civil rights bill.

The law can hope to reach only specific grievances. The utility of demonstrations will have been lost if there is no focus on the problems which the law can attempt to solve.

CRIMINAL STATUTES ON CIVIL RIGHTS

I have discussed with the distinguished Senator from North Carolina [Mr. ERVIN] the applicability of the criminal statutes now on the books in respect to civil rights. I have obtained some facts and figures from the Department of Justice on this subject.

It seems clear that the oft-repeated slogan of the opponents of the bill, that the existing criminal statute is sufficient to protect the constitutional rights of Negroes, is a hollow sham. The report which I received from the Department of Justice illustrates just how meaningless, and inappropriate, criminal remedies have proved to be in this field.

First. The Federal responsibility should be to bring about the enjoyment of civil rights rather than to punish for the denial of such rights. It is of far greater importance to the individual not to be denied the right to vote, the right to equal access to public accommodations and public facilities, the right to equal opportunity for education, and the right to employment without racial discrimination, than is the punishment of those who have denied those rights. For the very reason that criminal penalties are inappropriate to securing civil rights, the civil injunctive remedies which are provided for in the bill are uniquely appropriate, because the wrong is ascertainable and can be prevented in advance. If the wrong is not prevented in advance, the damage is often irreparable, as in the case of the denial of the right to vote. Once the election is over, the damage can never be repaired.

Second. In addition, the serious penalties involved in criminal statutes carry with them a very heavy burden of proof, requiring a showing of more than a denial of a right, but also a showing of the state of mind of the accused. It must be proved under section 242 of title 18 of the United States Code—the existing criminal statute on civil rights—that the denial of the constitutional right was "willful." The Supreme Court in the Screws case reversed a conviction for police brutality on the ground that this meant that there must be proved an intent not only to do the acts charged, but also to deprive the individual of a constitutional right by means of the act charged. This was a case in which a prisoner was killed—no light matter. On the retrial of this case, with this much more difficult standard of proof imposed, there was an acquittal, instead of the conviction which was obtained on the first trial. The result has been that the criminal remedy in civil rights cases has been almost wholly ineffective.

Relatively few prosecutions have been successful. And while no lawyer would argue that acquittal would imply any impropriety, there is no question about the fact that the criminal statute has not been the effective means in giving the kind of relief to which the aggrieved citizen is entitled in such situations.

Mr. President, I ask unanimous consent that a letter addressed to me under date of April 14, from the Department of Justice, giving the figures on the total number of prosecutions may be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF JUSTICE,
Washington, D.C., April 14, 1964.

HON. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: You have requested my views on the adequacy of existing criminal statutes (18 U.S.C. 241, 242, and the use of 242 together with 18 U.S.C. 371) to combat racial discrimination in voting, education, and public accommodations and facilities. This issue was, of course, thoroughly considered and debated at the time of the enactment of the Civil Rights Act of 1957. (See hearings on S. 83 before Subcommittee on Constitutional Rights, Senate Judiciary Committee, 1957, p. 3 ff.). The objections to relying solely on criminal sanctions remain the same.

The purpose of Federal civil rights legislation is affirmative rather than negative; ameliorative rather than punitive.

When a person's right to vote is illegally denied he suffers irreparable injury unless this right is promptly restored—as it can be by the injunctive process of the 1957 act. The voting section of the pending bill simply amends that act by defining specific malpractices of registrars which are covered by the legislation. Thus, there is no reason to argue that a criminal statute should or would take the place of this simple amendment of a civil sanction.

Just as criminal penalties in voting right deprivations are inadequate, so would they be in cases involving other rights—the right to desegregated education and free access to public accommodations and facilities. Moreover, it is fairer to the public officials and private defendants who are charged with civil rights violations to use the less harsh yet more meaningful civil procedures.

It would be particularly incongruous to consider the criminal statutes effective remedies against refusals to effect school desegregation in the Southern States. Nearly 1,900 school districts have taken no action toward desegregation. Those who urge that existing criminal rather than civil remedies be employed would hardly wish to be heard to argue that criminal prosecutions be brought against the school officials responsible for this failure to accord constitutional rights. Yet this is what the logic of their position would seem to dictate. Moreover, fines and imprisonment for thousands of school officials would scarcely upon the doors of equal educational opportunity to the 3 million Negro children who still attend segregated schools.

The Department's experience with the use of 18 U.S.C. 241 and 242 points up the difficulty of obtaining indictments and convictions in civil rights cases. This is due in considerable part to the reluctance of grand juries to indict and petit juries to convict. It may be due also in part to the very heavy burden imposed by 18 U.S.C. 242 to show wilfulness. See *Screws* v. *United States,* 325 U.S. 91; *United States* v. *Classic,* 313 U.S. 299.

Since 1958, when the Civil Rights Division was established, approximately 116 criminal prosecutions have been filed, most of them involving police brutality under 18 U.S.C. 242. In a few cases the conspiracy statute, 18 U.S.C. 241, was invoked, or the general conspiracy statute, 18 U.S.C. 371, was used in conjunction with 18 U.S.C. 242. Grand juries refused to indict in 61 of these cases. In addition, three cases under section 242 were brought to trial by way of information. As of April 1964, 16 convictions had been obtained.

It is clear that the effectiveness of 18 U.S.C. 241 and 242 even in police brutality cases is seriously limited. These statutes would certainly be even less useful in the areas covered by the pending civil rights bill.

Sincerely,

BURKE MARSHALL,
Assistant Attorney General
Civil Rights Division.

Mr. JAVITS. This issue was thoroughly debated in connection with the Civil Rights Acts of 1957 and 1960. Congress agreed—in the voting section which was then enacted—that a civil injunc-

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tive remedy, rather than criminal penalty, is the only effective remedy. I believe that determined the matter, so far as we in Congress are concerned, in the right way.

So the question of demonstrations, instead of being a confused one, is a very clear-cut one. There is a difference between demonstrations which are repressed, but which are perfectly legal demonstrations, and demonstrations which involve civil disobedience, as in the case of the projected stall-in at the World's Fair. Demonstrations of this kind are ineffective and are not of any help to us in reaching a solution to civil rights problems.

In all this debate, and all the discussion with our colleagues from the South, one thing which has constantly impressed me is their absolute unwillingness to admit for a moment that anything is really wrong, or that anything needs to be corrected. This is a sharp difference from our attitude in the North, where there is strong public opinion on the side of correcting these situations, and where much has been done to correct them. We are more than willing to admit our errors, and seek to correct them by the passage of laws which would apply across the board.

I deeply feel that until such time as the scales are removed from the eyes of those who will not see what is going on in the country, we shall have this very deep schism which is reflected in Congress by the fact that there is an effort, which is almost traditional, to keep the Senate from voting upon this very urgently needed legislation.

I feel that the only way in which we can get that issue before the country, and obtain the reaction of the country to what is really at stake, is in this painstaking, careful, case-by-case, day-by-day, issue-by-issue analysis of the points made by the other side.

BIGOTRY AND BIAS IN THE SOVIET UNION

Mr. JAVITS. Mr. President, the trial of religious, cultural, and other rights of Jews in the Soviet Union by the Kremlin and the publication of the libelous book by T. Kichko by the Ukrainian Academy of Sciences, continues to bring forth protests from American organizations. Earlier protests from many parts of the world led to a Soviet disavowal of the Kichko book and its anti-Semitic stereotypes, but the repressive acts against Jews have not been halted, and continued protests are essential.

I ask unanimous consent to print in the RECORD the resolution adopted by the Women's League for Israel on April 14, the statement denouncing the Kichko book issued by the Supreme Ukrainian Liberation Council in New York City, April 8.

There being no objection, the resolution and statement were ordered to be printed in the RECORD, as follows:

Whereas there is religious and cultural discrimination against Jews in the Soviet Union;

Whereas this discrimination denies to Soviet Jews the right to hold religious school classes, celebrate holidays according to their ancient tradition, or to communicate with their counterparts in other countries; and

Whereas the United Nations charter reaffirms faith in "fundamental human rights, in the dignity and worth of the human person": Now, therefore, be it

Resolved, That we of the Women's League for Israel, assembled at our 36th anniversary luncheon, April 14, 1964, Hilton Hotel, New York City, protest the denial of these basic religious rights to the Jews of the Soviet Union;

Resolved, That we urge the President of the United States and the Secretary General of the United Nations to protest to the Soviet Union the violation of these fundamental human rights embodied in the United Nations charter;

Resolved, That we urge Senator J. WILLIAM FULBRIGHT, chairman of the Senate Foreign Relations Committee, to hold hearings on the Senate resolution sponsored by 63 Senators to condemn religious persecution behind the Iron Curtain.

DECLARATION OF THE FOREIGN REPRESENTATION OF THE SUPREME UKRAINIAN LIBERATION COUNCIL IN THE MATTER OF THE PUBLICATION OF THE BOOK BY TROFIM KICHKO "JUDAISM WITHOUT EMBELLISHMENT"

In connection with the appearance of the anti-Semitic book by Trofim Kichko "Judaism Without Embellishment" published by the Academy of Sciences Ukrainian SSR in Kiev, the Foreign Representation of the Supreme Ukrainian Liberation Council declares:

1. The book by T. Kichko could come out in Ukraine only by directive of the Central Committee of the Communist Party of the Soviet Union or its subordinate units, since the Party is fully in control of all publications in the Soviet Union. All other anti-religious literature in the U.S.S.R. is also published on orders of the central committee.

2. "Judaism Without Embellishment" is a provocative libel directed against Jews in general, against the Jewish population of the Soviet Union, and the 840,000 Jews living in Ukraine. It tramples their religious and national feelings and is replete with slanderous statements against them. The Ukrainian people, who are also fighting for their independence, political and religious freedom and respect for human dignity, are opposed to all and any preaching of hatred of other people. Therefore, T. Kichko's book should be vehemently condemned by every Ukrainian living in Ukraine and elsewhere.

3. The publication of the book "Judaism Without Embellishment" whose author is a person with a Ukrainian-sounding name, and sponsored by the Academy of Sciences of the Ukrainian S.S.R., is considered by us to be a deliberate anti-Ukrainian provocation conducted on orders of Moscow and by the irresponsible individuals in Kiev. The purpose of this provocation is to spread discord between the Ukrainian people and the Jewish minority in Ukraine by preaching and strengthening anti-Semitism, and creating obstacles in the way of building of friendly relations between the Ukrainian and Jews. The aim of this provocation is to brand once again the Ukrainian people with anti-Semitism before the whole world, and simultaneously conceal the actual organizers of anti-Semitic attacks who are hiding in the Kremlin. Finally, making the Academy of Sciences in Kiev a party to this anti-Jewish activity, compromises it as an institution of learning, both in the eyes of the Ukrainian people, as well as foreigners.

4. The modern Ukrainian liberation movement has always been founded on principles of friendship, cooperation, and a common effort of the nations enslaved by totalitarian communism. Proclaiming the national independence of Ukraine on January 22, 1918, the Ukrainian National Republic simultaneously passed a law on the national autonomy of the Russian, Polish, and Jewish minority and established appropriate ministries for minority affairs. When, in the subsequent chaos of revolution, hostile and irresponsible elements began to inflame hostility among the nationalities in Ukraine and brought about pogroms of Jews, the Government of the Ukrainian National Republic censured them and undertook measures against their repetition. During World War II the Ukrainian liberation movement and in particular the Ukrainian Insurgent Army, which conducted warfare against the German and Soviet invaders, consistently preached the idea of friendship and cooperation between the Ukrainian people and the minorities in Ukraine.

The Supreme Ukrainian Liberation Council declared and defended the need of friendship of the Ukrainian people with the minorities in Ukraine, and equality of all citizens regardless of race, nationality, or religion. This was done in its declarations of principles, and particularly in the Platform and Universal Declaration of July 1944. The Foreign Representation of the Supreme Ukrainian Liberation Council conducts its activities in accordance with these principles.

5. Condemning T. Kichko's book "Judaism Without Embellishment," and all similar books, the Foreign Representation of the Supreme Ukrainian Liberation Council calls upon Ukrainians in their homeland and in the free world to oppose all such provocations which not only inflict great harm upon the Ukrainian people and the minorities in Ukraine, but also impede the work of Ukrainians abroad on behalf of the cause of liberation.

The Foreign Representation of the Supreme Ukrainian Liberation Council calls upon Ukrainians in Ukraine and abroad to reject as a crime all anti-Semitism and all propaganda of hatred toward Ukraine's minorities, to work for the establishment of good relations among all the minorities of Ukraine, by asking them to cooperate in the struggle for Ukrainian independence, and against the Moscow Communist oppressors and their hirelings in Ukraine.

Mr. STENNIS. Mr. President, I ask unanimous consent that I may now yield to the Senator from Illinois [Mr. DIRKSEN] without losing the floor, and without my subsequent remarks counting as a second speech on the pending matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

GOLD AND THE U.S. DOLLAR

Mr. DIRKSEN. Mr. President, on March 10, 1964, I inserted an address in the body of the RECORD on the gold problem by Mr. Harry R. Scharlach of Watseka, Ill.

Since that time Mr. Scharlach has had this speech reviewed by a number of experts in the monetary field and on the basis of their suggestions it has been revised in the interest of complete accuracy. I ask unanimous consent, therefore, to insert the revised copy as a part of my remarks in the body of the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

GOLD AND THE U.S. DOLLAR

(By Harry R. Scharlach, CLU, Watseka, Ill.)

Gold was one of the first metals to attract the attention of man. And, of course, it also attracted the attention of women. Gold has always been highly valued for its brilliance and beauty. It won't ever rust or tarnish.

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